IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 4772 of 2006(R)

PETITIONERS:

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1. ELSY GEORGE, AGED 59 YEARS,
   W/O. JOSEPH VARKEY, KOCHUMUTTAM,
   ENNENELLORE, MULLAPUZHACKAL P.O.
   MUVATTUPUZHA.

2. MANAKSHA, S/O. JOSEPH VARKEY,
   KOCHUMUTTAM, ENANELLORE, MULLAPUZHACKAL P.O.,
   MUVATTUPUZHA.

BY ADV. SMT.P.A.ANITHA

RESPONDENTS:

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1. THE JOINT REGISTRAR (GENERAL)
   OF CO-OPERATIVE SOCIETIES, ERNAKULAM.

2. MUVATTUPUZHA-KOTHAMANGALAM PRIMARY LAND
   MORTGAGE BANK LTD., MUVATTUPUZHA,
   REPRESENTED BY ITS SECRETARY.

3. SPECIAL SALE OFFICER,
   MUVATTUPUZHA-KOTHAMANGALAM PRIMARY LAND
   MORTAGE BANK LTD., MUVATTUPUZHA.

R2 BY ADV. SRI.K.JAJU BABU
R1 & R3 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXTS:

EXT. P1 : TRUE COPY OF THE JUDGMENT IN W.P.C. 20239 OF 2004 DATED 9.7.2004 OF THIS HON'BLE COURT.

EXT. P2 : TRUE COPY OF THE RECEIPT NO.5 DT. 28.3.2005 FOR AN AMOUNT OF RS.70,000/-.

EXT. P2 (a) : TRUE OCPY OF THE RECEIPT NO.6 DATED 30.3.2005 FOR AN AMOUNT OF RS.56,375/-.

EXT. P3 : TRUE COPY OF THE NOTICE DATED 28.12.2005 ISSUED BY THE 3RD RESPONDENT.

EXT. P4 : TRUE COPY OF THE REPRESENTATION DATED 21.3.2007.

EXT. P5 : TRUE COPY OF THE RECEIPT DATED 30.3.2007.

EXT. P5(a) : TRUE COPY OF THE RECEIPT DATED 30.8.2007.

K.M.JOSEPH, J.

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WP.(C) No.4772 of 2006

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Dated this the 7th day of November, 2007.

JUDGMENT

Petitioners availed loan. It was not repaid. Recovery proceedings were initiated. There was an interim order of stay on condition of the petitioners paying Rs. Two Lakhs per month. Petitioners approached the Bank and decision was taken to permit the petitioners to pay off Rs.1,42,665/- per month. Petitioners paid upto the seventh instalment. But they defaulted payment of the 8th instalment, which was due on 31.10.2007. Petitioners seek time to pay the balance instalments.

The writ petition is disposed of as follows:

Time is granted upto 30.11.2007 to pay off the 8th instalment and the petitioners have to pay the 9th instalment also as per the time granted already, namely by 30.11.2007. Petitioners are to continue to pay the instalments on the due dates as they fell from time to time. The respondents will give a statement within a period of three weeks from today showing the balance amount to be paid by the petitioners. If the

petitioners continue to pay the instalments as stated in the judgment, recovery proceedings will not be enforced against the petitioners. If the petitioners commit default in payment of any of the instalment, it will be open to the respondents to proceed against the petitioners in accordance with law.

(K.M. JOSEPH, JUDGE)

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